



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Gregory P. WINTER, et al

Atty. Ref.: 620-122; Confirmation No. 5109

Appl. No. 09/722,364

TC/A.U. 1636

U.S. Patent No. 6,545,142

Examiner: KETTER

Filed: November 28, 2000

For: SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS,
METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND
RECEPTORS

* * * * *

April 24, 2008

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED

APR 30 2008

OFFICE OF PETITIONS

RULE 182 PETITION

Grant of the present Rule 182 Petition and the attached Request for Certificate of Correction, are requested.

The patentee in the above-identified patent requests that the Patent Office issues an official Certificate of Correction pursuant to Rule 323 for the following mistakes made by the applicants.

Specifically, the patentee has recently noted that the front page of the patent and the first paragraph of the patent text fail to correctly identify the parent Application No. 07/580,374 as a continuation of Application No. PCT/GB89/01344, filed November 15, 1989.

04/25/2008 SZEWDIE1 00000017 6545142

02 FC:1462

400.00 OP

The present application was filed November 28, 2000, (i.e., prior to November 29, 2000) and was issued as U.S. Patent No. 6,545,142 on April 8, 2003.

The present application was filed with a copy of the Declaration from the parent Application No. 07/580,374 and a Preliminary Amendment to the specification which did not identify the benefit claim under 35 U.S.C. § 120 to Application No. PCT/GB89/01344.

While the parent Application No. 07/580,374 properly identified the relationship to the Application No. PCT/GB89/01344 in a Preliminary Amendment, the Declaration filed in Application No. 07/580,374 did not include the benefit claim to Application No. PCT/GB89/01344, under 35 U.S.C. § 120.

The specification has been amended in the attached draft Certificate of Correction to correct the cross-reference to the parent applications.

The undersigned is filing concurrently a Rule 78(a)(3) Petition and Amendment in related Application No. 10/290,233; Requests for Certificates of Correction and Rule 182 Petition in U.S. Patent No. 6,248,516; a Request for a Certification of Correction and Rule 78(a)(3) Petition in U.S. Patent No. 7,306,907; and an Amendment and Rule 182 Petition in each of Application Nos. 07/580,374, 07/796,805 and 08/332,046, which each claim benefit of Application No. PCT/GB89/01344, through the continuation Application No. 07/580,374.

In reviewing the priority claim for Application No. 10/290,233, the undersigned has now appreciated that the Patent Office records with regard to the priority claim to Application No. PCT/GB89/01344 in the present application and prior and subsequent

applications is incorrect. A copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374 is attached. A copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805 is also attached.

The undersigned has spoken with Ms Hicks, formerly of the Patent Office, regarding a previous unrelated matter with similar circumstances and been directed to the following passage from the Patent Office web site

(<http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx4>):

CX14. Can applicant add a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned without filing a petition to revive the later-filed application? (added 4Feb2005)

Yes, a petition to revive the later-filed application is not required when applicant is adding a benefit claim by filing an amendment (or an application data sheet) to add the specific reference of the prior-filed non-provisional application. A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or plant application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

More recently, the undersigned spoke with Mr. Tony Knight of the USPTO Petitions Branch, on March 6, 2008, to confirm that the Amendments and Petitions filed in the parent Application Nos. 07/580,374, 07/796,805 and 08/332,046, as well as the attached Petition in the above, should be sufficient to correct the PTO records with regard to the priority claim and relation to the PCT application.

Winter et al.
Appl. No. 09/722,364
Atty. Ref.: 620-122
April 24, 2008
RULE 182 PETITION

The Petitions and Amendments in the now abandoned priority applications are being filed based on the above and, to the extent applicable, *Sampson v. Commissioner*, 195 USPQ 136 (D.D.C. 1976).

The Rule 17(f) fee is being filed herewith (code 1462 - \$400). A Rule 20(a) fee is being filed herewith (code 1811 - \$100).

Correction of the Patent Office records with regard to the applicants claim for priority benefit and issuance of a Certificate of Correction in the above and grant of the present Petition, are requested.

The Office is authorized to charge the undersigned's Deposit Account No. 14-1140 for any deficiencies in fees required for consideration, grant and/or issuance of the present paper and attached.

The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
 B. J. Sadoff
 Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Attached:
Transmittal Letter with Charge authorization,
Draft Certificate of Correction,

Winter et al.
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RULE 182 PETITION

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copy of the corrected Declaration filed April 15, 1993 in the parent Application No.
07/796,805,
Rule 17(f) fee (code 1462 - \$400),
Rule 20(a) fee (code 1811 - \$100), and
REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323.



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04/25/2008 SZEW DIE1 00000017 6545142

01 FC:1811

100.00 OP

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323

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Winter et al.
Appl. No. 09/722,364
Atty. Ref.: 620-122

April 24, 2008

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The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
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copy of the corrected Declaration filed April 15, 1993 in the parent Application No.
07/796,805,

Rule 17(f) fee (code 1462 - \$400),
Rule 20(a) fee (code 1811 - \$100), and
Rule 182 Petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,545,142
DATED : April 8, 2003
INVENTOR(S) : Gregory P. WINTER, et al

It is certified that error appears in the above-identified patent and that said letters patent is hereby corrected as shown below:

On the face, item (60): delete "Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned.", and insert therefor -- Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned, which is a continuation of application no. PCT/GB89/01344, filed Nov. 15, 1989.--

On the face, item (30), delete the following last line: "Nov 13, 1989 (GB) PCT/GB89/01344 "

Column 1, lines 6-12, delete the following: " This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned the entire content of which is hereby incorporated by reference in this application." and insert the following therefor: --This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned,, which is a continuation of application no. PCT/GB89/01344, filed Nov, 15, 1989, the entire content of which is hereby incorporated by reference in this application.--

MAILING ADDRESS OF SENDER:

B. J. Sadoff
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203

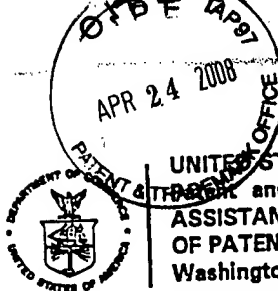
PATENT NO. 6,545,142

No. of addi
@ 50 per page

PTO-103X
(Rev. 7-83)

FILING RECEIPT

620-3
ARC/TEB



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/332,046	11/01/94	1805	\$972.00	620-3	23	31	1

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

GREGORY P. WINTER, CAMBRIDGE, UNITED KINGDOM;
ELIZABETH S. WARD, CAMBRIDGE, UNITED KINGDOM; DETLEF
GUSSOW, CAMBRIDGE, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 07/796,805 11/25/91
WHICH IS A DIV OF 07/580,374 09/11/90 ABN

FOREIGN/PCT APPLICATIONS-GREAT BRITAIN 8826444.5 11/11/88
GREAT BRITAIN 8906034.7 03/16/89
GREAT BRITAIN 8909217.5 04/22/89
GREAT BRITAIN 8911047.2 05/15/89
GREAT BRITAIN 8912652.9 06/02/89
GREAT BRITAIN 8913900.0 06/16/89
GREAT BRITAIN 8918543.3 08/15/89
PCT PCT/GB89/01344 11/13/89

TITLE
SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR
THEIR PRODUCTION AND USE OF SAID LIGANDS AND RECEPTORS

PRELIMINARY CLASS: 435

(see reverse)



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OFFICE OF PETITIONS

Nixon & Vanderhye P.C. (6/92)

620-3

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND RECEPTORS
the specification of which (check applicable box(es)):

☐ is attached hereto.

☒ was filed on November 25, 1991 as U.S. Application Serial No. 07/796,805

☐ was filed as PCT international application No. PCT/ on _____
and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification and the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
8826444.5	United Kingdom	11 November 1988
8906034.7	United Kingdom	16 March 1989
8909217.5	United Kingdom	15 May 1989
8911047.2	United Kingdom	2 June 1989
8912652.8	United Kingdom	16 June 1989
8913900.0	United Kingdom	15 August 1989
8918543.3	United Kingdom	

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented, pending, abandoned
07/580,374	11 September 1990	Abandoned (Pending as of filing date of SN 07/796,805)
PCT/GB89/01344	13 November 1989	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Bosmer, 30184; Robert W. Paris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Henon, 33624; Jeffrey H. Nelson, 30481; John R. Lastova, 33149; E. Warren Burnam, Jr., 29369; Thomas E. Byrne, 32205.

3) Inventor's Signature [Signature] Date 4.3.93
Inventor's Name (typed) Detlef GUSSOW German
First Middle Initial Family Name Citizenship
Residence (City) LONDON (State/Foreign Country) ENGLAND
Post Office Address 17 FROGNAL LANE, LONDON Zip Code NW3 7DG
4) Inventor's Signature _____ Date _____
Inventor's Name (typed) _____
First Middle Initial Family Name Citizenship
Residence (City) _____ (State/Foreign Country) _____
Post Office Address _____ Zip Code _____

FOR ADDITIONAL INVENTORS, check box 1 and attach sheet with same information and signature and date for each.



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the specification of which (check applicable box(es)):

☐ is attached hereto.

☒ was filed on November 25, 1991 as U.S. Application Serial No. 07/796,805

☐ was filed as PCT international application No. PCT/ on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

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1) Inventor's Signature G.P. Winter Date 4/3/93
Inventor's Name (typed) Gregory P. Winter British
First Middle Initial Family Name Citizenship
Residence (City) Cambridge (State/Foreign Country) England
Post Office Address 64 Cavendish Avenue, Cambridge Zip Code CB1 4UT

2) Inventor's Signature Elizabeth S. Ward Date 12/3/93
Inventor's Name (typed) Elizabeth S. Ward British
First Middle Initial Family Name Citizenship
Residence (City) JALLAS (State/Foreign Country) TEXAS, USA
Post Office Address 12856 NOEL RD, APT 2099 Zip Code 75230

FOR ADDITIONAL INVENTORS, check box ☒ and attach sheet with same information and signature and date for each.

